Notice of Allowability	Application No.	Applicant(s)	
	10/692,153	WILLIAMS ET AL.	
	Examiner	Art Unit	
	Darren W. Ark	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *Amdt. filed 12/13/2004*.

2. ☒ The allowed claim(s) is/are *21-40*.

3. ☒ The drawings filed on *22 October 2003* are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

 * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Darren W. Ark

DARREN W. ARK
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kenneth P. Glynn on Friday, February 4, 2005.

The application has been amended as follows:

Claim 21. An automated pest control dust applicator device for remote applications, which comprises:

(a) an elongated support pole having a predetermined length and having a distal end and a proximal end;

(b) a dust dispensing nozzle located proximate said distal end of said pole, and connected to a dust reservoir;

(c) said ~~a~~ dust reservoir located at said distal end of said pole and having an outlet connected to said dust dispensing nozzle;

(d) a conduit having an upper end and a lower end, said conduit being connected to said dust reservoir at said conduit upper end, said conduit extending from said dust reservoir a substantial distance along said elongated support pole and being connected at ~~its~~ said lower end to an air compressor; and

(e) said ~~an~~ air compressor ~~connected to said conduit at its lower end, said air compressor~~ being located separately from and not connected to said elongated support pole;

wherein, when said air compressor is activated, air travels up said conduit, into said reservoir, picks up pest control dust and air with the dust exits said dust dispensing nozzle.

Claim 24. The automated pest control dust applicator device for remote applications of claim 21 wherein said nozzle is connected to a ported cap having said outlet, and said ported cap is removeably connected to said dust reservoir.

Claim 27, line 1, inserted --(new)-- before "The".

Claim 30, line 1, inserted --(new)-- before "The".

Claim 31. An automated pest control dust applicator device for remote applications, which comprises:

(a) an elongated support pole having a predetermined length and having a distal end and a proximal end;

(b) a dust dispensing nozzle located proximate said distal end of said pole, and connected to a dust reservoir;

(c) said dust reservoir located at said distal end of said pole and having an outlet connected to said dust dispensing nozzle;

(d) ~~said~~ a conduit having an upper end and a lower end, said conduit being connected to said dust reservoir at said conduit upper end, said conduit extending from said dust reservoir a substantial distance along said elongated support pole and being connected at ~~its~~ said lower end to an air compressor; and

(e) said ~~an~~ air compressor ~~connected to said conduit at its lower end, said air compressor~~ being located separately from and not connected to said elongated support pole, said air compressor having a shoulder strap connected thereto ~~to it~~;

wherein, when said air compressor is activated, air travels up said conduit, into said reservoir, picks up pest control dust and air with the dust exits said dust dispensing nozzle.

Claim 34. The automated pest control dust applicator device for remote applications of claim 31 wherein said nozzle is connected to a ported cap having said outlet, and said ported cap is removeably connected to said dust reservoir.

Claim 37, line 1, inserted --(new)-- before "The".

Claim 40, line 1, inserted --(new)-- before "The".

2. The following is an examiner's statement of reasons for allowance:

In regard to claim 21, the prior art of record does not disclose an automated pest control dust applicator device for remote applications, which comprises the conduit extending from the dust reservoir a substantial distance along the elongated support pole and being connected at the lower end to an air compressor, the air compressor being located separately from and not connected to the elongated support pole.

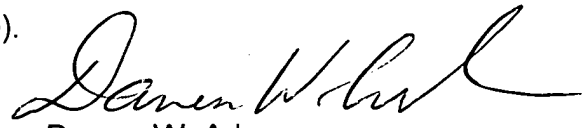
In regard to claim 31, the prior art of record does not disclose an automated pest control dust applicator device for remote applications, which comprises the conduit extending from the dust reservoir a substantial distance along the elongated support pole and being connected at a lower end to an air compressor, the air compressor being located separately from and not connected to the elongated support pole, the air compressor having a shoulder strap connected thereto.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (703) 305-3733. The examiner can normally be reached on M-Th, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (703) 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Darren W. Ark
Primary Examiner
Art Unit 3643

DWA